

REMARKS

I. Introduction

Claims 1 and 5-12 are pending in the present application. Claims 1 and 5-10 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

In response to the Examiner's objections to the drawings and the specification that the claimed circuit board and cover must be shown and correspondingly described, Applicants have amended claim 1 to remove the "circuit board" and "cover" as positively-recited claim elements, i.e., "cover" has been completely deleted, and "circuit board" is recited only in the context of describing the positively-recited element of the "bottom section." Accordingly, Applicants submit that the objections to the drawings and the specification have been overcome.

II. Rejection of Claims 1, 5 and 7-12

Claims 1, 5 and 7-12 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by United States Patent No. 6,302,190 ("Clamp"). For at least the following reasons, Applicants respectfully submit that pending claims 1, 5 and 7-12 are patentable over Clamp.

To anticipate a claim under §102(b), each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 1 recites, in relevant parts, "a cooling device for enabling heat to be dissipated from the housing via a liquid flowing therethrough, wherein the cooling device is integrally formed in the bottom section, and wherein the bottom section is formed as a cooling plate, and wherein the cooling device includes at least one one-piece cooling duct integrally

formed in the bottom section.” Applicants note that the change from “one-piece cooling channel” to “one-piece cooling **duct**” was made in order to highlight the fact that the cooling channel of the present invention is an enclosed conduit, as clearly shown in Figs. 1-3 and fully described in the original Specification, e.g., p. 2, l. 28 – p. 3, l. 6, and p. 3, l. 18-21. In contrast to the present claimed invention, Clamp clearly does not teach or suggest that “the cooling device is integrally formed in the bottom section, and . . . wherein the cooling device includes at least one one-piece cooling duct integrally formed in the bottom section.” While the Examiner cites element 40 shown in Fig. 2 of Clamp as disclosing “an integrated, one-piece cooling channel,” element 40 is merely an open groove that is defined in the aluminum casting 32, which casting 32 is mated to a separate cover plate 34. (Fig. 2; col. 2, l. 26-28). The fact that element 40 is not a “one-piece cooling duct integrally formed in the bottom section” is explicitly noted in Clamp: “[t]he [aluminum] casting [32] defines a pocket 36 recessed into the flat front face 38 of the chill plate, which pocket is surrounded on three sides by a channel 40 of U-shaped configuration,” and “[w]hen the cover plate 34 is welded or otherwise affixed to the channel 40 in a fluid sealing arrangement, flow conduits are formed.” (Col. 2, l. 26-33). Accordingly, it is clear that the enclosed cooling duct disclosed in Fig. 2 of Clamp is defined by at least two separate parts, i.e., cover plate 34 and the aluminum casting 32 containing the channel 40.

For at least the foregoing reasons, Applicants submit that claim 1 and its dependent claims 5 and 7-12 are not anticipated by Clamp.

III. Rejection of Claim 6

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,302,190 (“Clamp”) in view of U.S. Patent 4,652,970 (“Watari”). For the following reasons, Applicants respectfully submit that claim 6 is patentable over the combination of Clamp and Watari.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986).

Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 6 depends on claim 1. As noted above, Clamp clearly does not anticipate parent claim 1. In addition, Watari clearly does not remedy the deficiencies of Clamp as applied against parent claim 1, i.e., Watari also fails to teach that “the cooling device is integrally formed in the bottom section, and . . . wherein the cooling device includes at least one one-piece cooling duct integrally formed in the bottom section.” Accordingly, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Clamp and Watari, with which assumption Applicants do not agree, the overall teachings of Clamp and Watari would not render obvious claim 1 and its dependent claim 6. Therefore, the obviousness rejection of claim 6 should be withdrawn.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that all pending claims 1 and 5-12 of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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